## Northern District of California

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

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Plaintiff,

v.

KING STAR COMPUTER, INC.,

Defendant.

Case No. 18-cv-00555-JST

## ORDER TO SHOW CAUSE AND CASE MANAGEMENT ORDER

The Clerk of the Court entered default against defendant King Star Computer, Inc. on March 14, 2018. There has been no activity in the case since that time.

Because the Plaintiff's claim is not "for a sum certain or a sum that can be made certain by computation," Fed. R. Civ. P. 55, the Clerk cannot enter default judgment. The Plaintiff must file an application for entry of default judgment by the Court.

The Plaintiff's application to the court for default judgment must set forth the following information:

- The date on which the Defendant was served with the summons and complaint;
- The date on which Defendant's default was entered for failure to appear;
- A declaration under penalty of perjury that the Defendant is neither a minor nor an incompetent (or, if so, that such person is represented by a general guardian, conservator or other like fiduciary), nor in military service;
- A declaration under penalty of perjury as to the amount of damages claimed to be due, which provides a sufficient basis in evidence and logic to support an award in the claimed amount; and

• A declaration that notice of the amount requested has been given to the defaulting party whether or not that party has appeared in the action.

The party moving for entry of default judgment should also provide evidence of any contact from the Defendant or an attorney representing the Defendant, as well as copies of any correspondence in which Plaintiff or his representative warned that Plaintiff would seek entry of a default judgment.

Service of the defaulting Defendant with a copy of the motion for default judgment is not required, but increases the probability that the Court will enter judgment in the amount prayed for.

The application for entry of default judgment is due 30 days from entry of this order.

By order dated February 9, 2018, the Court set a Case Management Conference for May 9, 2018 and ordered a Case Management Statement filed by April 30, 2018. ECF No. 10. The Plaintiff did not file a Case Management Statement or appear at today's Case Management Conference. Accordingly, the Plaintiff is ORDERED TO SHOW CAUSE why sanctions should not be imposed for violation of a Court order. A written response to this Order to Show Cause is due May 16, 2018 by 5:00 p.m.

## IT IS SO ORDERED.

Dated: May 9, 2018

JON S. TIGAR United States District Judge